

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
LAS CRUCES DIVISION

JUN CARLOS LEON-HERRERA	§	
<i>Plaintiff</i>	§	
	§	
v.	§	CIVIL ACTION No. 2:24-CV-00153
	§	
BAR-S FOODS Co D/B/A SIGMA FOODS	§	
AND JORGE ZUNIGA ISAIS D/B/A RVJ	§	
TRANSPORT	§	
<i>Defendants</i>	§	

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND TIME TO FILE
RESPONSE TO DEFENDANT CAL FRESCO LLC’S MOTION TO DISMISS**

NOW COMES Plaintiff, **JUAN CARLOS LEON-HERRERA** (hereinafter “Plaintiff”), and submits this Unopposed Motion to Extend Time to File Response to Defendant’s Motion to Dismiss. In support of this motion, Plaintiff states as follows:

PERTINENT FACTS AND BACKGROUND

1. Plaintiff filed his *Original Complaint* on 14 February 2024.
2. Defendant Cal Fresco, LLC filed its Motion to Dismiss on January 6, 2025 (Doc. 70). The current deadline for Plaintiff to file their response to Defendant’s motion is Monday, January 20, 2025.
3. Plaintiff’s counsel is currently engaged in the preparation for numerous depositions and assisting in preparation for a trial in a matter set in District Court

of Duval County, Texas on January 24, 2025. This has made it difficult for Plaintiff's counsel to adequately prepare the necessary response in this case.

5. Plaintiff is requesting an extension of time to prepare and file its response to Defendant's motion to dismiss until January 27, 2025.

6. The requested extension is necessary to allow Plaintiff's counsel adequate time to prepare the response in light of the demands of trial preparation in another matter, and no prejudice will result from granting this request.

7. Counsel for Defendant has indicated that Defendant does not oppose this request for an extension.

WHEREFORE, for the reasons set forth above, Plaintiff respectfully requests that this Honorable Court grant this motion to extend time and for good cause shown, and for any and all other just and equitable relief that this Court deems appropriate.

RESPECTFULLY SUBMITTED,

DESOUZA INJURY LAWYERS
4047 NACO PERRIN
SAN ANTONIO, TEXAS 78217
210/ 714-4215 – PHONE
210/496-0060 – FACSIMILE

BY: /S/ JORGE L. ALVAREZ
JORGE L. ALVAREZ
NM No.: 23-103
TX BAR No.: 24133590
jorge@jfdlawfirm.com

BY: /S/ JEFFERY E. PRATT
JEFFERY E. PRATT
STATE BAR No.: 16239980
JPRATT@JFDLAWFIRM.COM
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I hereby certify that the undersigned counsel conferred via with opposing counsel for Defendant Cal Fresco LLC on the substance of this Motion, and counsel for Defendant does not oppose the motion.

/S/ JORGE L. ALVAREZ
JORGE L. ALVAREZ

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to all counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on this the January 17, 2025.

/S/ JORGE L. ALVAREZ
JORGE L. ALVAREZ